

Letter of Appeal for 471 Application Number 161028639
FRN: 1699058153
Funding Year 2016
CC Docket No. 02-6



April 3, 2017

Spokane School District 81
Billed Entity 145503
FCC Registration Number 0011859683

From: Clay Gehring
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FCDL Dated 2/16/2017
Service Provider = BorderLAN SPIN 143046384

Funding Commitment Decision Letter for Funding Year 2016

“The FCC Form 470 that established the competitive bidding process for this FRN did not include service of this type: therefore, it does not meet the 28-day competitive bidding requirement.”

Problem / Resolution Request:

When filing a Form 470 we made an error selecting Category 1 instead of Category 2. While we have filed Form 470's in previous E-Rate funding years, the 2016 filing year was the first using the new EPC system. In our efforts to learn the new system and the process of filing Form 470's we found the process somewhat difficult to utilize and understand and through our process of learning we made the unintended error. However, our subsequent work after filing the Form 470 clearly indicates our intent, and we believe adherence to creating a competitive bid per the FCC requirements and are supported in the following explanation. Therefore, we are requesting an FCC waiver where there was a failure to meet the Competitive Bidding Requirement of selecting the correct Category when filing our Form 470 for FRN 1699058153.

Explanation:

Our Form 470 also contained a Category 2 component that consisted of the same full and complete bid that was an exact copy of the bid attached to the erroneously categorized Category 1 application for

Firewall Services. The duplicate bids described with specificity the product/service for which we were going out to bid. This being the case all Service Providers that would have seen the Category 2 application would also have seen full and complete bid that was incorrectly marked Category One thereby not restricting any Service Providers from seeing and responding to the bid.

Services Requested

Category 1: Internet Access and/or Telecommunications

Type	Function	Function Other Description	Number Entities	Quantity	Unit	Min Capacity	Max Capacity	Installation and Initial Configuration?	Maintenance Indicator	Associated RFP
Internet Access and/or Telecommunications	Other	Next Generation Firewall and related services.	60	60	Lines			Yes	Yes	View RFP Documents

Category 2: Internal Connections and Managed Internal Broadband Services

Type	Function	Number Entities	Quantity	Unit	Manufacturer	Manufacturer Other Description	Installation and Initial Configuration?	Associated RFP
Basic Maintenance of Internal Connections	Firewall Service and Components	60		Each	No Preference			View RFP Documents

Also, in order to ensure we met our districts desire and obligation to achieve the best pricing possible by notifying a large number of potential vendors about the bid and to meet eRate requirements by following FCC rules regarding competitive bidding processes we did the following:

- Released a bid outlining with specificity what product/services for which we were requesting bids
- Advertised twice in our local newspaper
- Filed a Form 470 and waited at least 28 days before closing
- Put copy of bid on the Public Purchase and District Solicitations web site
- Public Purchase website notified the 56 vendors as identified in the attached document
- Eleven additional vendors not originally notified through the Public Purchase website found out about the bid through other means (Form 470 filing or advertising) and registered for bid access on Public Purchase. These vendors are noted on the attached list.
- Two additional vendors also submitted a response to our bid.
 - BorderLAN
 - TierPoint

In total, a minimum of at least 69 vendors received notification or found our bid for Next Generation Firewall and Firewall Maintenance, all of who received the same full and complete bid.

During PIA review we were able to answer the following questions to the reviewer's satisfaction:

- Provided vendor documentation which supports the funding request of \$132,919.90.
- Provided third-party documentation that demonstrates that the products and services are eligible for E-Rate funding.
- Demonstrated how the NIF portion was cost allocated out of request.

Despite of the error made, with the significant of number vendors notified and our diligence in following all FCC rules to establish a fair and competitive bid as well as the full and complete bid appearing correctly in our Category 2 bid posting we believe providing this waiver would serve the public interest

| for a district with a high level of low income students and families without compromising Competitive Bidding requirements.

For these reasons, we respectfully request reconsideration of this denial.

| Sincerely,

Clay Gehring

Cc: BorderLAN